

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

<p>In re</p> <p>BOSTON GENERATING LLC, <i>et al.</i>,</p> <p style="text-align: center;">Debtors.</p>	<p>-----x</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>-----x</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>-----x</p>	<p>: Case No. 1:20cv5404 (GBD)</p> <p>: (Bankruptcy Appeal)</p> <p>: Bankruptcy Case No.</p> <p>: 10-14419 (SEC)</p> <p>: Bankr. Adv. Proc. No.</p> <p>: 12-01879 (LGB)</p>
<p>MARK HOLLIDAY, the Liquidating Trustee of the BosGen Liquidating Trust,</p> <p style="text-align: center;">Plaintiff-Appellant,</p> <p>-versus-</p> <p>K ROAD POWER MANAGEMENT, LLC, <i>et al.</i>,</p> <p style="text-align: center;">Defendants-Appellees.</p>		

**NOTICE OF APPEAL TO THE UNITED STATES
COURT OF APPEALS FOR THE SECOND CIRCUIT**

Notice is hereby given that Plaintiff-Appellant Mark Holiday, the Liquidating Trustee of the BosGen Liquidating Trust, hereby appeals to the United States Court of Appeals for the Second Circuit from the Memorandum Decision and Order of the United States District Court for the Southern District of New York dated September 10, 2021, and entered in this case on September 13, 2021 [Doc. No. 19], which affirmed the June 18, 2020 Memorandum Decision and June 19, 2020 Order granting Defendants' motion to dismiss the Third Amended Complaint in Adversary Proceeding No. 12-01879, entered by the United States Bankruptcy Court for the Southern District of New York on June 22, 2020.

The parties to this appeal and the names and addresses of their respective counsel are:

Plaintiff-Appellant

<p>Mark Holiday, the Liquidating Trustee of the BosGen Liquidating Trust</p>	<p>REID COLLINS & TSAI LLP William T. Reid, IV 810 Seventh Avenue, Suite 410 New York, New York 10119 wreid@reidcollins.com (212) 344-5200</p> <p>Joshua J. Bruckerhoff (Pro Hac Vice) Gregory S. Schwegmann 1301 S. Capital of Texas Hwy Building C, Suite 300 Austin, Texas 78746 jbruckerhoff@reidcollins.com gschwegmann@reidcollins.com (512) 647-6100</p> <p>HEDRICK KRING PLLC Joshua L. Hedrick 1700 Pacific Avenue, Suite 4650 Dallas, TX 75201 josh@hedrickkring.com (214) 880-9600</p>
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Defendants-Appellees

<p>Credit Suisse Securities (USA) LLC; Credit Suisse (USA), Inc.; D. E. Shaw & Co., L.P.; D. E. Shaw Laminar Portfolios, L.L.C.; Goldman Sachs & Co. LLC; J.P. Morgan Securities LLC; Mason Capital Ltd.; Mason Capital Management LLC; Morgan Stanley & Co. LLC; RBS Holdings USA, Inc.; and Taconic Capital Partners 1.5 LP</p>	<p>WILMER CUTLER PICKERING HALE AND DORR LLP Philip D. Anker Alan E. Schoenfeld Joel Millar Ryanne E. Perio philip.anker@wilmerhale.com alan.schoenfeld@wilmerhale.com joel.millar@wilmerhale.com ryanne.perio@wilmerhale.com 7 World Trade Center 250 Greenwich Street New York, New York 10007 (212) 230-8800</p>
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<p>Anchorage Capital Master Offshore, Ltd., Stonehill Institutional Partners, L.P., Anchorage Capital Group, L.L.C. f/k/a Anchorage Advisors, LLC, Anchorage Capital Master Offshore II, Ltd., Stonehill Capital Management LLC, Boston Generating Offshore Holdings, Ltd., Cedarview Capital Management LP, Citigroup Alternative Investments LLC, as successor in interest to Epic Asset Management LLC, Epic Distressed Debt Opportunities Fund Ltd., Longacre Capital Partners (QP) LP, and Longacre Master Fund, Ltd.</p>	<p>SCHULTE ROTH & ZABEL LLP Adam C. Harris William H. Gussman, Jr. Adam.Harris@srz.com Bill.Gussman@srz.com 919 Third Avenue New York, New York 10022 (212) 756-2000</p>
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<p>Harbinger Capital Partners, LLC, Boston Harbor Power LLC, Power Management Financing LLC, and Harbinger Capital Partners Master Fund I, Ltd. (f/k/a Harbert Distressed Investment Master Fund, Ltd.)</p>	<p>GIBSON, DUNN & CRUTCHER LLP Oscar Garza Douglas Levin ogarza@gibsondunn.com dlevin@gibsondunn.com 3161 Michelson Drive Irvine, California 92612 (949) 451-3800</p> <p>PACHLUSKI STANG ZIEHL & JONES LLP Dean A. Ziehl dziehl@pszjlaw.com 780 Third Avenue, 36th Floor New York, New York 10017 (212) 561-7700</p>

Dated: October 8, 2021

Respectfully submitted,

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